

Not Ready To Ride The Bench

Duke Aiona was an all-star quarterback, the guy who called the shots. As a judge, he was in control of his courtroom. So how will he adjust to playing second fiddle to Gov. Linda Lingle?

By DAN BOYLAN

Two days before Christmas, Hawaii's 3-week-old lieutenant governor gives a tour of his new office. James "Duke" Aiona — a lean, handsome 47-year-old — apologizes for the art and complains that his own work space is too small. "I'd like to take out this wall," he says.

Lieutenant governors seldom have the power to take out walls. Most languish in the office, taking on usually minor responsibilities — and only at the sufferance of the governor.

Says one student of the office: "Most LGs have been kept languishing in the back room, cutting maile leis. Especially during the first term. No governor wants their LG building a base and challenging them for re-election to a second term. That's what Jimmy Kealoha did (to Bill Quinn). That's what Tom Gill did (to Jack Burns)."

But Aiona doesn't think he'll have the maile lei detail. He thinks his relationship with Gov. Linda Lingle will be different.

"I speak freely with her every day," he says. "We meet at least once a week regarding scheduling of events. I walk over

whenever I want to talk to her. If she's available, she lets me in.

"After the primary election, our campaigns meshed well. It seemed as if we'd worked together for years. We think alike; our goals and objectives are the same.

"Someone told me that after the election a big wall goes up on the fifth floor — that I'd be on my own. I hope that's not true, and I really don't think it's going to happen."

By statute, the lieutenant governor's office has few powers; but Lingle has already delegated to the

part-Hawaiian former judge and deputy county prosecutor two areas of specialization: public safety and Hawaiian issues.

Aiona chaired the committee that recently chose Honolulu Police Department Assistant Chief Stephen Watarai as director of Public Safety, and during the campaign he and Lingle advocated separating the department's law enforcement functions from prisons. On Hawaiian issues, he intends to play a role in helping to ensure passage of the Akaka Bill and in resolving the ceded land issue.

But in these first weeks of the new administration, Aiona admits he's still trying to get a feel for the job. "It's exciting,

no doubt," he says. "But right now I'm just getting a rhythm, trying to find the rhyme and reason to my days.

"When I first became a judge, people told me there would be instant respect. People would listen to me and laugh at my jokes. In this job, everybody wants to be your friend. It's a different level, like going from JV to the varsity."

Sports analogies pepper any talk with Aiona. He's always been a star athlete, and he's always played the key position: quarterback on the football team, shooting guard in basketball, pitcher in baseball.

And the judge always rules in his courtroom.

Now Aiona finds himself the least powerful job in state politics: He doesn't get to call the plays, take the shot, or bang the gavel. It's Gov. Lingle's game to play.

If Aiona's past is any indication, there will be a period of adjustment.

Duke Aiona is a junior. His father, James Aiona Sr., was an independent insurance agent. His mother, Frances, taught. When Duke, the youngest of their four children, was born on June 8, 1955, the family lived in Momilani, just mauka of the Pearl City recreation center.

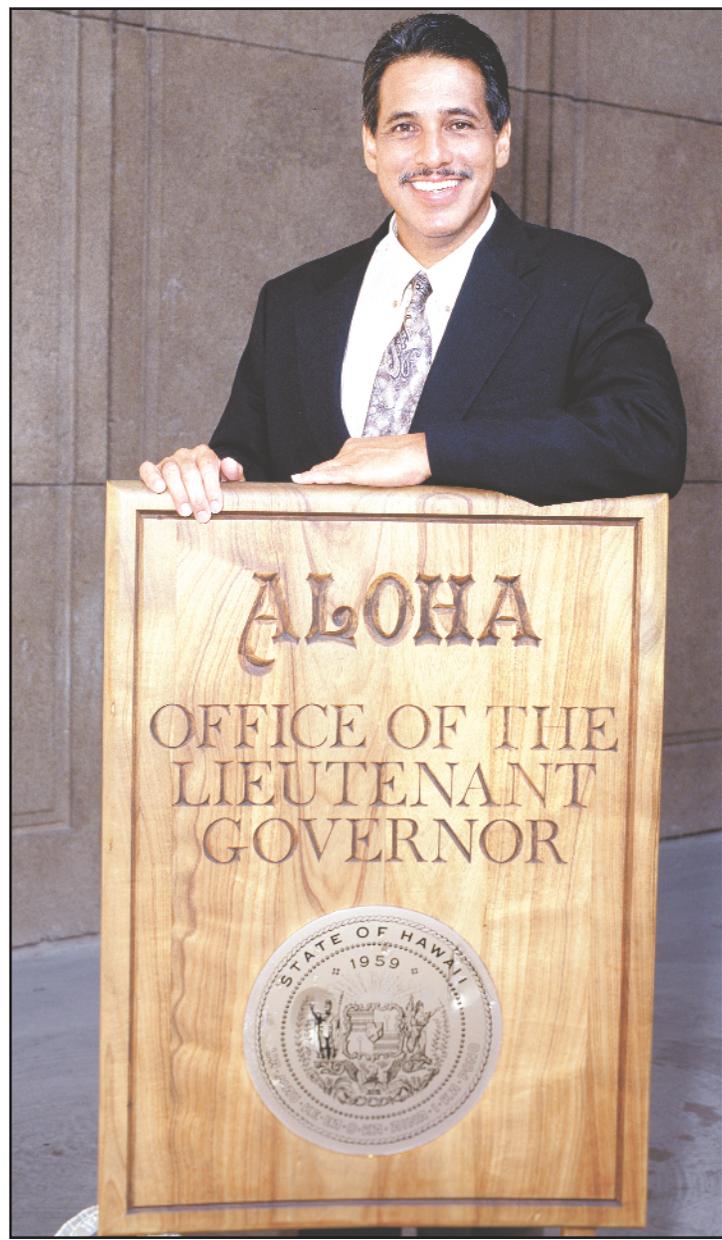
"I'm five-eighths Chinese, one-quarter Hawaiian, and one-quarter Portuguese," says Aiona. "I know it doesn't add up, but there's a lot of mixing we can't quite account for."

The family was Catholic, and Duke attended Maryknoll from kindergarten to eighth grade, St. Louis from 9 to 12. "Oh, the nuns will remember me," he says. "I gave them fits. They're a special breed. They prayed for me."

Aiona grew up steeped in Catholicism. "My father was a Christmas and Easter Catholic," he admits, "but when we saw our grandfather, William Aiona, he'd drill us on scripture. If we'd done our homework, he'd give us a couple of bucks. If we hadn't, he'd scold our parents that they weren't doing their job."

Aiona also grew up steeped in sports, and he loved them — all of them. "When my father was a kid in Hilo, he played all the sports; he was a three-sport star in high school," says the younger James Aiona. "He refereed basketball at all levels, and we'd go to his games with him.

"I played Pop Warner football, Little League, and CYO (Catholic Youth Organization)



Aiona says he's trying to "find the rhyme and reason for my days"

Nathalie Walker photo



At home with wife Vivian and sons Kuli'a and Makana and daughters Ka'imilani and Ohulani

Photo courtesy of the Aiona family

basketball. My father was a great Dodger fan, and as he listened to a game on the radio he'd set up situations for me: 'Man on second, one out, score tied. You're playing shortstop and the batter hits a grounder to you. Where do you go with the ball?' "He nicknamed me 'Duke' after Duke Snider, the great Dodger centerfielder."

As 7-year-olds, Eric Texidor and Aiona took their first communion together at Pearl City's Lady of Good Counsel Church. They also played youth sports together. "Duke pitched; I played shortstop on the Little League All-Star team," Texidor remembers. "In Pop Warner football, Duke was the quarterback; I was the running back.

"We went on to St. Louis together. He was always telling me what to do; I'd forget the plays. Duke didn't. He hates to lose. When we did, it took him a while to recover from it. And I'd be lying if I said he didn't have a temper. I can

remember holding him back when he wanted to fight during a game."

Aiona always excelled in sports. The Pearl City Pop Warner football team with Aiona at quarterback was Hawaii's first to win a national title. As a St. Louis basketball player, Aiona made the all-state team and won the scoring title in his senior year. "My friends would tell you I was a gunner," says Aiona. "I like to think I had good shot-selection."

Aiona admits, however, that "Pistol" Pete Maravich, perhaps the NBA's most prolific shooter, was his boyhood hero. "I really thought I'd be in the NBA someday."

St. Louis High School wasn't all sports for Aiona. Mother Frances insisted that he study, and in his senior year he won the school's scholar-athlete award.

Basketball took Aiona to California's University of the

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Pacific. He played two and a half years there, then left the team over a disagreement with the coach. In Pacific's classrooms he majored in political science and pre-law.

"When I was growing up, we watched *Perry Mason* on television every Sunday night after dinner," Aiona remembers. "My dad would give \$5 to whichever one of the kids could guess the mystery first. I think that's where I got the idea being a lawyer would be interesting."

Aiona's low scores on the law school admission test appeared to sink that dream. He applied to a couple of Mainland law schools, but was rejected. Aiona returned to Hawaii thinking he'd either play basketball for a professional team in New Zealand or get a teaching credential at the University of Hawaii.

Two weeks before the fall semester began, Aiona learned of his admission to the University of Hawaii law school's pre-admission program. "They gave us a probationary year of learning how to study the law, then we entered the regular program," says Aiona. "So it took us four years rather than the normal three. We were considered the dummies."

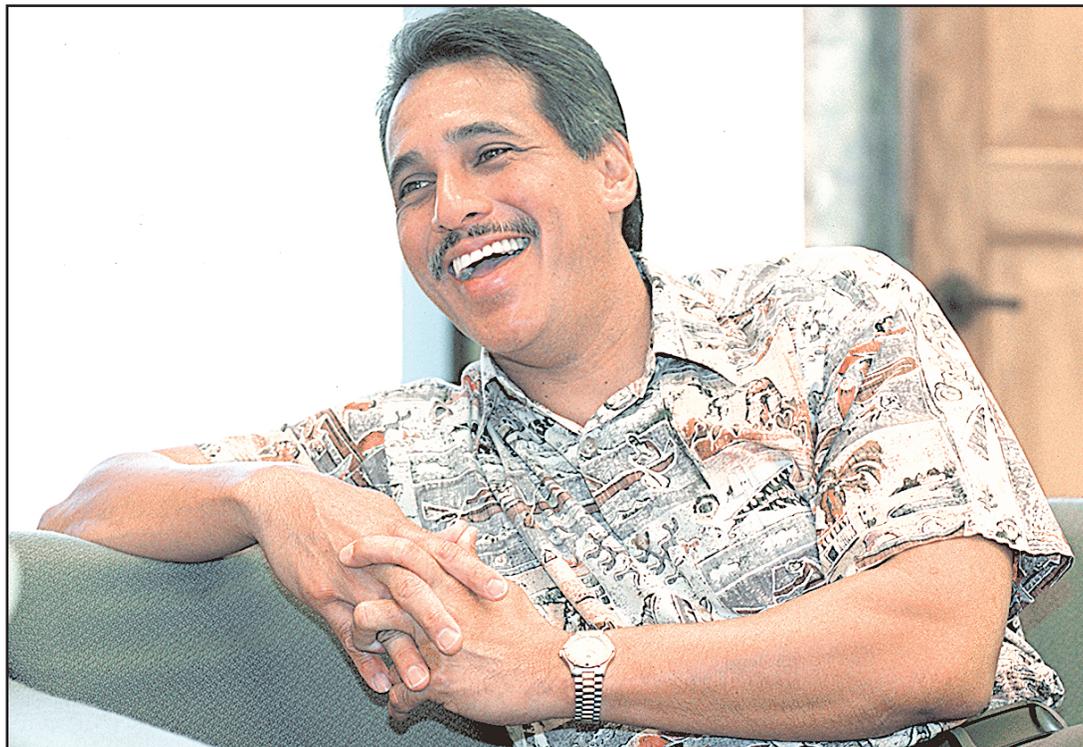
But Aiona found the William S. Richardson School of Law of the late '70s a good place to be. "It was small. My classmates and teachers were good people. There was no one there who was out to cut your throat. We shared outlines, worked in study groups. Our class initiated the law school flag football team. The medical school challenged us. We kicked their butts."

Aiona met Vivian Welsh at a dance in Waikiki. "It was Dec. 27, 1977," Vivian remembers. "He had just finished his first semester of law school. He looks better now than he did then, but he was none too shabby." The two exchanged telephone numbers and began dating. They married in 1982.

"We always have had a real humorous relationship," says Vivian. "We kid around a lot. He's funny. He's a real down-to-earth guy with a big heart. He's kind of smart and certainly full of life."

Aiona clerked for Circuit Court Judge Wendell Huddy before becoming a deputy prosecuting attorney under Chuck Marsland. When Marsland left office in 1985, Aiona moved over to the city corporation counsel's office.

His supervisor there was Ronald Mun, now the deputy director of the Office of



Aiona has given orders that everyone who visits his office will be treated like a VIP

Hawaiian Affairs. "Aiona was extremely tenacious — and tough," Mun remembers, "and a very smart trial lawyer. He eventually became head of our office's trial division."

Mun thinks Aiona's tenacity comes from his experience as an athlete. He remembers Aiona playing basketball in a lawyers' league and how extremely competitive he was. That competitiveness could turn into an out-of-control temper. He was once thrown out of a lawyer's league basketball game for fighting.

But Mun also describes Aiona as "endearing."

"You can't dislike him," says Mun. "You may not like

who he's representing in court or how he argues his case. But when he flashes his pearly whites, you're willing to go drink a beer with him afterwards."

In 1990 Chief Justice Herman Lum appointed Aiona a Family Court judge. Veteran Family Court Judge Frances Wong was appointed his judge mentor. "It's tough to shift from being a good courtroom advocate to being a good judge," says Wong.

"A judge has to be poker-faced in the courtroom. New judges have a hard time with that. In family court you see human behavior at its worst: child and sex abuse, otherwise decent people full of anger in a divorce situation, street-wise kids with huge attitudes.

"But I told Duke that all judges get angry, but you can't just go storming into the courtroom. You can't let it all hang out. Call a break and walk out. I think he got it after the first

year year or so. But it took a lot of practice."

The new judge's mentor admits to developing a real affection for Aiona: "He's just straight on; he's never been calculating. What you see is what you get. He's humble; and he feels very deeply, very passionately."

Wong remembers Aiona coming to her early in his tenure on Family Court to ask her reaction to him and wife Vivian taking one of his cases, a troubled teenager, as a foster child. "They already had three children

of their own at that time!" says Wong. "I told him it wasn't a good idea. His heart was telling the child himself; his head was telling to get my reaction."

Wong and others contend that wife Vivian "is Duke's reality check. She's very shy, very self-effacing. But she's not a second fiddle. She's strong; she's always worked. And she'll tell him straight out, 'Duke, you still put on your pants the same way.' She's just the salt of the earth. "And it's obvious they love each other very richly."

In 1993 Gov. John Waihee elevated Aiona to a circuit judgeship where he presided over a number of difficult cases. The worst may have been that of Margaret Brownlee, a woman whose mother suffered from Alzheimer's disease. She was convicted of manslaughter and could have spent 20 years in prison.

Aiona fined her \$1,000 and sentenced her to 500 hours of community service. "I didn't

give her prison time because of the enormous frustrations she faced caring for her mother. It was a very sad situation.

"I think I'm a very competitive person, and I can be tough. But I also think I'm reasonable and compassionate."

Saofaiga Loa Jr. saw Aiona's tough side. Loa and two others repeatedly raped and stabbed a young woman and stabbed her male friend on Magic Island. Aiona sentenced the 19-year-old Loa to seven life terms in prison.

"I based my sentence on the facts," Aiona insists, "not the notoriety of the case. I did not succumb to the anger in the community. It was very difficult, and I prayed about it. I gave my reasons on the record in public view. I can't take it back, and I don't second guess myself."

In 1996 Aiona was appointed the first judge of Hawaii's drug court. Its aim was rehabilitation as an alternative to prison time for nonviolent offenders, and many observers feel that Aiona brought the right mix of toughness and compassion to the job.

But in 1998 Aiona abruptly retired from the court, stating that his \$87,000 judge's salary was insufficient to deal with the demands of a family with four children.

"There were educational expenses, and Vivian was working," says Frances Wong. "He hated leaving the bench, but Duke told me he had to do it."

It wouldn't be the first time Aiona had given up something he loved for his family. Aiona coached St. Louis High School basketball for 10 years, but then gave it up because of demands at home. He coached his own

children's AYSO soccer instead; now he's back on the basketball bench at St. Louis.

Aiona takes the parenting of his and Vivian's four children (two boys, two girls, ranging in age from 10 to 19) very seriously. "He's a pretty awesome father," says Viv, "very strong, very dependable. When one of the kids got a bad grade or did something wrong, he's always been great at sitting them down and walking them through it."

Vivian feels child-rearing has mellowed Aiona. "I'd say he used to have a temper. Now he doesn't have a temper; he has a bark. Having girls did that for him. He barks at them, then he gets wimpy."

Three years after leaving the bench Aiona found himself running full speed for a job that doesn't pay a whole lot more than that of a judge. Both Democrats and Republicans had approached him about becoming a candidate for political office, and he attended the 2001 state Republican Convention.

"I felt comfortable with Linda and Micah Kane. My cousin Sam Aiona had of course served as a Republican state legislator. But I didn't join the Republican Party until just before the primary election campaign started."

Aiona supporters saw him go through two phases in his campaign for lieutenant governor: a certain reluctance verging on distaste during the primary, and then a fierce competitiveness in the general election campaign.

"I saw it evolve," says supporter Ron Mun. "It was the playoffs, and he wanted to win."

It showed on election night. Aiona thanked aunts, uncles, cousins, St. Louis alumni supporters. He was bursting with "irrational exuberance," in the words of one in the crowd.

But exuberance has turned to sobriety in the weeks since the election.

"I think my answer to a spiritual calling brought me to this place, that I was answering a call," says Aiona.

"This job, the lieutenant governorship, is not about me. Everyone, whatever their politics, should feel that they are represented by whoever holds this office. I'm here to serve the public, as a link to the government.

"I've told my staff: Everyone who calls this office, everyone who comes into this office, is to be treated like a VIP. Everyone. And if I hear that someone hasn't, they will hear from me."

Sounds like the instructions of a quarterback ... or a coach ... or a judge.

Nathalie Walker photo